

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 28, 41, 50, 77, and 90 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 7 of Inoue et al. (U.S. Patent No. 6,910,086) ("*Inoue*"); and rejected claims 1-4, 6-11, 28-30, 32-35, 41-42, 44-53, 55-60, 77-79, 81-84, 90-91, and 93-98 under 35 U.S.C. § 103(a) as being unpatentable over Carson et al. (U.S. Patent No. 5,887,194) ("*Carson*") in view of Stahl et al. (U.S. Patent No. 6,665,020) ("*Stahl*").

Although Applicant disagrees with the obviousness-type double patenting rejection of claims 1, 28, 41, 50, 77, and 90, in an effort to advance prosecution, Applicant has filed a Terminal Disclaimer concurrently with this paper, thereby obviating the outstanding rejection. Applicant requests reconsideration and withdrawal of the obviousness-type double patenting rejection of these claims in view of the attached Terminal Disclaimer.

The filing of the Terminal Disclaimer in no way manifests an admission by Applicant as to the propriety of the double patenting rejections. See M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicant reserves the right to traverse the double patent rejections at a later date. Applicant respectfully requests the withdrawal of the double-patenting rejection in view of the Terminal Disclaimer of record in this application.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Applicant respectfully traverses the rejection of claims 1-4, 6-11, 28-30, 32-35, 41-42, 44-53, 55-60, 77-79, 81-84, 90-91, and 93-98 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Carson* and *Stahl*, does not teach or suggest each and every element of claims 1-4, 6-11, 28-30, 32-35, 41-42, 44-53, 55-60, 77-79, 81-84, 90-91, and 93-98. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites an information processing system including, for example:

a first information processing apparatus . . .
a second information processing apparatus . . .
wherein said first information processing apparatus further
comprises:
reserve cancellation request command transmitting means for
generating a reserve cancellation command for requesting said second
information processing apparatus for a cancellation of the reservation of
the remote control and transmitting the reserve cancellation request
command thereto,

(emphasis added). The Examiner states that *Carson* does not disclose “a second reserve mode setting means ... the local information controlling means so as to enable a predetermine operation of those performed by the local operation controlling means and disable other than the enabled operations” (Office Action at pages 5-6). The Examiner relies on *Stahl* for disclosing these limitations (Office Action at page 6). Applicant respectfully disagrees.

Stahl discloses avoiding taking action twice when the peripheral device receives the same message via multiple paths (col. 10, lines 58-62). To achieve this, the peripheral device activates “a timer upon reception of the RC commands through the indirect link” (col. 11, lines 5-7). “The timer is reset each time a new RC command is received through the indirect link [and] [a]ny RC keypresses received over the direct link are ignored during the period this timer is active” (col. 11, lines 7-10). In addition, a

controlling device can act as a “locking device” to control the access to some or all parts of the locked device (col. 11, lines 20-25).

Stahl does not teach that the controlling device requests the locked device cancel the reservation of the remote control. *Stahl* teaches away from this request because “a timer mechanism can be implemented for the direct link such that during the time it is active, any RC keypress information received through the indirect link is ignored” (col. 12, lines 14-17). Therefore, any reserve that occurs in *Stahl* extends until the expiration of a timer. No request between devices is sent to cancel the locking state. In contrast, claim 1 requires a first information processing apparatus comprising a “reserve cancellation request command for generating a reserve cancellation command for requesting said second information processing apparatus for a cancellation of the reservation of the remote control”.

Moreover, the references themselves contain no suggestion or motivation to modify or combine them. *Carson* teaches allowing “bus master devices to send/receive a burst of data to/from a slave without determining in advance the number of data words...” (col. 2, lines 46-48). This distribution occurs within a personal computer (PC) (col. 2, lines 42-45). In contrast, *Stahl* teaches “exchanging audio/video (A/V) content and associated control between common consumer electronic (CE) devices” (col. 2, lines 3-5). This exchange occurs using remote control (RC) of the devices (Fig. 4). It would not have been obvious to one of ordinary skill to combine data distribution within a PC with remote control of devices, such as a TV and a VCR, at least because the remote control operation in *Stahl* could not be used in the internal computer data distribution of *Carson*.

Accordingly, *Carson* and *Stahl* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim and because the references fail to provide motivation for one of skill in the art to combine the references. The rejection under 35 U.S.C. §103 is therefore improper. Claims 2-4 and 6-11 depend from claim 1 and are thus also allowable over *Carson* in view of *Stahl*, for at least the same reasons as claim 1.

Independent claims 28, 41, 50, 77, and 90, and corresponding dependent claims 29, 30, 32-35, 42, 44-49, 51-53, 55-60, 78, 79, 81-84, 91, and 93-98, while of different scope, recite limitations similar to those of claim 1. Therefore, claims 28-30, 32-35, 41-42, 44-53, 55-60, 77-79, 81-84, 90-91, and 93-98 are also allowable over *Carson* in view of *Stahl*, for at least the same reasons as claim 1.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 7, 2006

By: 

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Attachments: Terminal Disclaimer (3 pages)